

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**MICHAEL L. GROS, M.D. and JANIE GROS; ANDREW MICHAEL GROS; THOMAS ALAN GROS; and all other similarly situated**

**Plaintiffs,**

**VS.**

**THE UNITED STATES OF AMERICA,**

**Defendant.**

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**CIVIL ACTION NO. H-04-4665**

## MEMORANDUM AND ORDER

On September 27, 2005, this Court granted Defendant's motion to dismiss all claims asserted by Plaintiffs Michael Gros and all claims derivative of Michael Gros's claims. (*See* Docket No. 16.) Mr. Gros now moves for certification for immediate appeal, pursuant to FED. R. CIV. P. 54(b). After considering the parties' filings and oral arguments and the applicable law, the Court finds that the hardships attendant upon a delay do not justify 54(b) certification. Mr. Gros's motion, Docket No. 24, is therefore **DENIED**.

**IT IS SO ORDERED.**

**SIGNED** at Houston, Texas, on this the 17<sup>th</sup> day of Feb., 2006.

  
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KEITH P. ELLISON  
UNITED STATES DISTRICT JUDGE

**TO INSURE PROPER NOTICE, EACH PARTY WHO RECEIVES  
THIS ORDER SHALL FORWARD A COPY OF IT TO EVERY  
OTHER PARTY AND AFFECTED NON-PARTY EVEN THOUGH  
THEY MAY HAVE BEEN SENT ONE BY THE COURT.**